

No. 9/3/87-6Lab./8724.--In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s ESPI Industrial Corporation 11/7, Mathura Road, Faridabad.

BEFORE SHRI A.S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

Reference No. 153 of 1986.

Between

SHRI RAM SAROOP, WORKMAN AND THE MANAGEMENT OF M/S. ESPI INDUSTRIAL CORPORATION 11/7, MATHURA ROAD, FARIDABAD.

Shri Bhim Singh Yadav, for the workman.
Shri Joginder Sihgh, for the management.

AWARD

1. In exercise of the powers conferred by clause(c) of sub section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the workman Shri Ram Saroop and the management of M/s. ESPI Industrial Corporation 11/7, Mathura Road, Faridabad, to this Court, for adjudication,—vide Haryana Government Gazette notification No. 17567-71, dated 22nd May, 1986.

2. Shri Ram Saroop was appointed by the respondent during 1980 as a Assisant Operator-cum-Mechanic and in due course his monthly wages had come to Rs. 1025. His allegations are that on 1st May, 1985 he was directed to do out of station job w.e.f. 7th October, 1985 to 19th November, 1985 and he had received letter dated 13th December, 1985 to the effect to mark his presence in New Delhi office and he had continued to do so upto 16th January, 1986. His allegations are that thereafter he was not allowed to mark his presence in the head office or at Faridabad and unfortunately his services were terminated on 20th January, 1986 and on the same day he had served demand notice upon the respondent. According to him order of termination is illegal, void, unjustified, arbitrary and against the principles of natural justice.

3. On notice, Written Statement was filed by the respondent. It has been alleged against him that he had collected Rs. 700 from one Balbir Singh and had not accounted for the same in the office and he had rather started remaining absent in January 1986. It has been denied by him,—vide his replication.

4. On the pleadings of the parties, the material issues were framed on 6th November, 1986 :—

1. Whether the workman has abandoned the job himself and if so, to what effect?
2. As per reference.

5. This case was fixed on 8th January, 1987 for the evidence of the respondent but on that day no witness was brought by it. Next date fixed was 5th March, 1987 and again no witness had turned up on behalf of the respondent and adjournment was granted on payment of Rs. 50 as cost. Third chance for the respondent to lead evidence was on 20th May, 1987 but again no witness had turned up and adjournment was granted on payment of Rs. 100. This case could not be taken upon 10th July, 1987 due to the strike and on the next date (9th September, 1987) last opportunity was granted to the respondent to lead its evidence on 30th September, 1987. On that day no witness had turned up and casts were also not paid. Defence of the respondent as such was struck off and statement of poor worker was recorded then and there.

6. I have heard the worker and his Representative Shri Bhim Singh Yadav. It is a matter of regret that respondent has not turned up to contest the claim despite of the fact that case was adjourned for five times. On the other hand, there is statement of worker, which must be believed since it stands un-rebutted. It means that his services have been illegally discontinued and action taken by the management is a void one. I, hereby accept the reference and declare that Ram Sarup continues in continuous service of the respondent and he is entitled for the amount of his arrears also. It appears that Authority under Payment of Wages Act has already computed the amount of Rs. 7292.50 in his favour,—vide its order dated 28th August, 1987.

/ Dated 8th October, 1987.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1826, Dated 19th October, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Department, Chandigarh as required under Sub-section 4 of Section 33-C of the I.D. Act, 1947.

A.S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.